

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TECH CENTER 1600/2900
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Inventors: Amin I. Kassis
Serial No.: 09/839,779
Filing Date: April 20, 2001
Examiner: Weber Jon, P.
Group Art Unit: 1651
Title: METHODS FOR TUMOR DIAGNOSIS AND THERAPY

CERTIFICATION UNDER 37 CFR § 1.10

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the U.S. Postal Service in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR § 1.10, Mailing Label Number EV068584101US addressed to : Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, DC 20231.

11/26/02
Date

Melanie S. Goddard
Melanie S. Goddard, Registration No. 46,732

Box NON-FEE AMENDMENT
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

TRANSMITTAL LETTER

Please find enclosed for filing:

Response to Restriction Requirement
 Please charge any additional fees to Deposit Account No. 04-1679. This Transmittal Letter is submitted in duplicate.
 Other: Return Postcard.

Date: 11/26/02

Respectfully submitted,
Melanie S. Goddard
Melanie S. Goddard
Registration No. 46,732
DUANE MORRIS LLP
One Liberty Place
Philadelphia, PA 19103-7396
215-979-1310 tel/215-979-1020 fax

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Serial No.: **09/839,779**

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Examiner: **Weber Jon, P.**

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Title: **METHODS FOR TUMOR DIAGNOSIS AND THERAPY**

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Melanie S. Goddard
Melanie S. Goddard, Registration No. 46,732

Box NON-FEE AMENDMENT

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the Official Action dated October 28, 2002, please amend this application as follows:

REMARKS

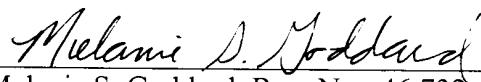
Claims 1-20 are pending in the present application. The Examiner requires restriction between Group I, claims 1-3 and 5-20 which Examiner states is drawn to a method using an endogenous enzyme, classified in class 514, subclass 75; and Group II, claim 4, which Examiner states is drawn to a method using a gene therapy induced enzyme, classified in class 435, subclass 69.1.

Applicant elects Group I, claims 1-3 and 5-20. This election is made without traverse. However, Applicant would like to point out that claim 1 is not drawn only to a method of using an endogenous enzyme but rather is generic and would include a method wherein the enzyme that is hydrolyzing the prodrug is expressed by tumor cells following gene therapy. Thus if generic claim 1 is found to be allowable, claim 4 should no longer be withdrawn as it is fully embraced by the allowable generic claim.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment which may be associated with this communication to our deposit account **04-1679**.

Respectfully submitted,

Dated: 11/26/02


Melanie S. Goddard, Reg. No.: 46,732

Attorney For Applicants

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